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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 PAUL-DAVID and MARIA-JANET,

10 Plaintiffs,

11 v.

12 RUSSELL HARTMAN, et al.,

13 Defendants.

CASE NO. C11-5602BHS

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16 ORDER DISMISSING CASE  
17 FOR LACK OF SUBJECT  
18 MATTER JURISDICTION

19 This matter comes before the Court on Plaintiffs' Complaint (Dkt. 1), which is  
20 purportedly based on federal question jurisdiction. The Court has reviewed the largely  
21 incomprehensible Complaint. Plaintiffs have failed to adequately establish the Court's  
22 jurisdiction over the matter. Although Plaintiffs cite the Uniform Child Custody  
23 Jurisdiction and Enforcement Act and the Servicemembers Civil Relief Act, they do not  
24 inform the Court of how these are applicable or even if they confer federal question  
25 jurisdiction over this Court in this matter. Notably, on the civil cover sheet to Plaintiffs'  
26 Complaint the description of the cause of action is to "challenge [the] legality of custody  
27 modification procedure and process." Plaintiffs have not informed the Court how such a  
28 cause of action would be deemed a federal question. *See* 28 U.S.C. 1331.

Subject matter jurisdiction may be questioned by the Court at any time, and the  
Court may *sua sponte* dismiss a case for lack of such jurisdiction. *See, e.g.*, 28 U.S.C.

1 1331 (federal question); *Bender v. Williamsport Area School Dist.*, 475 U.S. 534, 541  
2 (1986) (district courts have an independent obligation to address subject matter  
3 jurisdiction *sua sponte*). Here it does not appear that the Court has jurisdiction over this  
4 matter. While not required to do so, the Court under circumstances unique to this  
5 Complaint, directs the return to Plaintiffs of the filing fee.

6 Therefore, it is hereby **ORDERED** that

- 7 (1) Plaintiffs' Complaint is **DISMISSED without prejudice** for lack of subject  
8 matter jurisdiction;
- 9 (2) Plaintiffs' filing fee **SHALL** be returned to Plaintiffs by the Court's  
10 Finance Department within approximately 30 days; and
- 11 (3) This matter is **CLOSED**.

12 DATED this 10th day of August, 2011.

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BENJAMIN H. SETTLE  
United States District Judge